

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**FINTIV, INC.,**

**Plaintiff,**

**v.**

**PAYPAL HOLDINGS, INC.,**

**Defendant.**

**Civil Action No. 6:22-cv-00288-ADA**

**AGREED SCHEDULING ORDER**

| <b>OGP 4.1</b> | <b>Fintiv and PayPal<br/>Proposed Date</b> | <b>Item</b>   |
|----------------|--|---|
| June 30, 2022  |  | Case Management Conference  |
| June 23, 2022  | June 23, 2022                              | The plaintiff shall serve preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. The plaintiff shall also identify the priority date (i.e., the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit. |
| July 21, 2022  | July 21, 2022                              | Deadline for Motions to Transfer.   |
| N/A            | August 5, 2022                             | Fintiv's Response to PayPal's Motion to Dismiss   |
| N/A            | August 19, 2022                            | PayPal Reply in support of its Motion to Dismiss  |

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

| <b>OGP 4.1</b>     | <b>Fintiv and PayPal<br/>Proposed Date</b> | <b>Item</b>  |
|--------------------|--|--|
| August 18, 2022    | August 25, 2022                            | Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s). |
| September 1, 2022  | September 1, 2022                          | Parties exchange claim terms for construction.   |
| September 15, 2022 | September 15, 2022                         | Parties exchange proposed claim constructions.   |
| September 22, 2022 | September 22, 2022                         | Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon in their opening brief with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.   |
| September 29, 2022 | September 29, 2022                         | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.   |
| October 6, 2022    | October 6, 2022                            | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.   |
| October 27, 2022   | October 27, 2022                           | Plaintiff files Responsive claim construction brief.   |
| November 10, 2022  | November 10, 2022                          | Defendant files Reply claim construction brief.  |
| November 25, 2022  | November 25, 2022                          | Plaintiff files Sur-Reply claim construction brief.  |

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<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other Party.

| OGP 4.1           | Fintiv and PayPal Proposed Date | Item   |
|-------------------|---------------------------------|--|
| November 30, 2022 | November 30, 2022               | Parties submit Joint Claim Construction Statement<br><br>See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).  |
| December 1, 2022  | December 1, 2022                | Parties submit optional technical tutorials to the Court and technical advisor (if appointed). <sup>3</sup>  |
| December 8, 2022  | December 8, 2022                | <i>Markman</i> hearing at 9:00 a.m. or 1:30 p.m.   |
| December 9, 2022  | December 9, 2022                | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).  |
| January 19, 2023  | January 19, 2023                | Deadline to add parties.   |
| February 2, 2023  | February 2, 2023                | Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.   |
| March 30, 2023    | March 30, 2023                  | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims. (Note: This includes amendments in response to a 12(c) motion.)   |
| June 8, 2023      | June 8, 2023                    | Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues. |
| July 6, 2023      | July 6, 2023                    | Close of Fact Discovery.   |
| July 13, 2023     | July 13, 2023                   | Opening Expert Reports. Opening expert reports shall be submitted by the party bearing the burden of proof e.g., Plaintiff will submit expert reports on issues of infringement and damages; defendant will submit expert reports on invalidity and/or inequitable conduct.  |
| August 10, 2023   | August 10, 2023                 | Rebuttal Expert Reports.   |

<sup>3</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

| <b>OGP 4.1</b>     | <b>Fintiv and PayPal<br/>Proposed Date</b> | <b>Item</b>   |
|--------------------|--|---|
| August 31, 2023    | August 31, 2023                            | Close of Expert Discovery.  |
| September 7, 2023  | September 7, 2023                          | Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.         |
| September 14, 2023 | September 14, 2023                         | Dispositive motion deadline and <i>Daubert</i> motion deadline.   |
| September 28, 2023 | September 28, 2023                         | Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).  |
| October 12, 2023   | October 12, 2023                           | Serve objections to pretrial disclosures/rebuttal disclosures.  |
| October 19, 2023   | October 19, 2023                           | Serve objections to rebuttal disclosures and file motions <i>in limine</i> .  |
| October 26, 2023   | October 26, 2023                           | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .   |
| November 2, 2023   | November 2, 2023                           | File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .<br>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |
| November 13, 2023  | November 13, 2023                          | File joint notice identifying remaining objections to pretrial disclosures and disputes on motion <i>in limine</i> .  |
| November 16, 2023  | November 16, 2023                          | Final Pretrial Conference.  |
| December 7, 2023   | November 30, 2023 <sup>4</sup>             | Jury Selection/Trial  |

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<sup>4</sup> Counsel for Fintiv has a scheduled trial on December 11, 2023 in Delaware.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE